

JAN 18 2013

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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 4, OF THE HAWAII  
STATE CONSTITUTION TO ESTABLISH LEGISLATIVE TERM LIMITS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The decision of the United States Supreme Court  
2 in *Buckley v. Valeo*, 424 U.S. 1 (1976), by disallowing certain  
3 campaign spending limits, substantially impaired the ability of  
4 nonincumbents to challenge elected officials. It is instructive  
5 to compare the election of 1974, the only state election with  
6 mandatory spending limits, with the 1990 and 2010 elections.

7           In 1974, twenty-two new members were elected to the house  
8 of representatives (forty-three per cent) and eight new members  
9 were elected to the senate (thirty-two per cent). As this  
10 election was held under the 1973 reapportionment plan, some of  
11 the turnover may be attributable to changes in district  
12 boundaries. However, there can be no doubt that this was an  
13 extraordinarily fruitful election which brought new blood into  
14 the process.

15           In contrast, the 1990 elections saw the election of only  
16 one new senator, and even this person had prior elective  
17 experience. Eleven incumbent senators ran in 1990; all were



1 reelected. Of the ten incumbent candidates from the majority  
2 party, five faced no opposition in the primary or general  
3 election (but still spent between \$17,328 and \$41,632) and three  
4 others faced no general election opposition.

5 Things were only a little better for challengers in the 51-  
6 member house of representatives in 1990. Seventeen incumbents  
7 were elected, without opposition, by merely filing their  
8 nomination papers, although they still spent an average of  
9 almost \$30,000 per candidate. Thirteen more incumbents faced  
10 only token opposition. Of forty-nine incumbents running, only  
11 four were defeated. Ninety-two per cent of the incumbents  
12 successfully retained their seats.

13 Recent statistics from the 2010 election show similar  
14 results. Of the fifteen open spots for a senate seat in 2010,  
15 all eleven incumbents that ran for re-election won. The average  
16 incumbent in the senate raised \$86,852 while the average  
17 challenger raised only \$10,588. All together, the winning  
18 candidates spent an average of \$78,823, while the losing senate  
19 candidates spent an average of only \$13,212.

20 Similarly, forty-four out of forty-six incumbents in the  
21 house of representatives retained their seats in the 2010  
22 election. The incumbents raised an average of \$39,444 and the



1 challengers raised an average of only \$10,268. All together,  
2 the winning candidates in the house of representatives spent an  
3 average of \$39,880 while the losing candidates spent an average  
4 of only \$10,165.

5 The result of the high cost to nonincumbents running to  
6 become a member of the legislature and the small chance of  
7 winning leads to a reduction in the number of seriously  
8 contested races. This, in turn, has increased voter apathy. It  
9 is a cycle that is undermining the entire foundation and the  
10 process of a representative democracy. To help correct this  
11 problem, this Act proposes an amendment to article III, section  
12 4, of the Hawaii State Constitution to limit members of the  
13 legislature to serve a maximum of twelve consecutive years in  
14 the house of representatives and twelve consecutive years in the  
15 senate. The legislature proposes to give the people of Hawaii  
16 an opportunity to weigh the benefits and detriments of term  
17 limits and, upon due consideration, choose whether or not to  
18 apply them.

19 The purpose of this Act is to propose an amendment to  
20 article III, section 4, of the Constitution of the State of  
21 Hawaii to limit the terms of members of the legislature to a



1 maximum of twelve consecutive years in the house of  
2 representatives and twelve consecutive years in the senate.

3 SECTION 2. Article III, section 4, of the Constitution of  
4 the State of Hawaii is amended as follows:

5 "ELECTION OF MEMBERS; TERM

6 Section 4. Each member of the legislature shall be elected  
7 at an election. If more than one candidate has been nominated  
8 for election to a seat in the legislature, the member occupying  
9 that seat shall be elected at a general election. If a  
10 candidate nominated for a seat at a primary election is  
11 unopposed for that seat at the general election, the candidate  
12 shall be deemed elected at the primary election. The term of  
13 office of a member of the house of representatives shall be two  
14 years and the term of office of a member of the senate shall be  
15 four years[-]; provided that for terms beginning on the general  
16 election of 2014, no member of the legislature shall serve for  
17 more than twelve consecutive years in the house of  
18 representatives and twelve consecutive years in the senate;  
19 provided further that a member may complete a term if the member  
20 reaches the twelve-year limit in the house of representatives or  
21 the senate before that term has ended. The term of a member of  
22 the legislature shall begin on the day of the general election



1 at which elected or if elected at a primary election, on the day  
2 of the general election immediately following the primary  
3 election at which elected. For a member of the house of  
4 representatives, the term shall end on the day of the general  
5 election immediately following the day the member's term  
6 commences. For a member of the senate, the term shall end on  
7 the day of the second general election immediately following the  
8 day the member's term commences."

9 SECTION 3. The question to be printed on the ballot shall  
10 be as follows:

11 "Shall members of the legislature be limited to serving a  
12 maximum of twelve consecutive years in the house of  
13 representatives and twelve consecutive years in the senate,  
14 for terms beginning on the general election of 2014?"

15 SECTION 4. Constitutional material to be repealed is  
16 bracketed and stricken. New constitutional material is  
17 underscored.

18 SECTION 5. This amendment shall take effect upon  
19 compliance with article XVII, section 3, of the Constitution of  
20 the State of Hawaii.

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INTRODUCED BY:

Michelle Tidman (BR)



# S.B. NO. 572

**Report Title:**

Legislative Term Limits; Constitutional Amendment

**Description:**

Proposes a constitutional amendment to limit the term of members of the legislature to a maximum of twelve consecutive years in the house of representatives and twelve consecutive years in the senate, for terms beginning on the day of the general election of 2014.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

